

ARTICLE 61-13
CONTROLLED SUBSTANCES

Chapter
61-13-01 Controlled Substances Schedules

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CONTROLLED SUBSTANCES SCHEDULES

Section
61-13-01-03

61-13-01-03. Scheduling.

1. Substances on the drug enforcement administration's published exempt prescription product list are not considered controlled substances. Substances may be added to this section upon a rule change process in accordance with North Dakota Century Code section 19-03.1-02.

2. The following substances are hereby placed in schedule I of the Controlled Substances Act, North Dakota Century Code section 19-03.1-05, schedule I, subsection 3, opiates:

a. Methyl (E)2-((2S,3S,7aS)-3-ethyl-7a-hydroxy-8-methoxy-1,2,3,4,6,7,7a,12b-octahydroindolo[2,3-a]quinolizin-2-yl)-3-methoxyacrylate (also known as 7-hydroxymitragynine; also known as (alphaE,2S,3S,7aS,12bS)-3-ethyl-1,2,3,4,6,7,7a,12b-octahydro-7a-hydroxy-8-methoxy-a-(methoxymethylene)-indolo[2,3-a]quinolizine-2-acetic acid, methyl ester) above a specified threshold, described as:

(1) Any botanical material of the plant Mitragyna speciosa, also known as kratom, and contains more than 0.050 percentage of 7-hydroxymitragynine on a dry weight basis,
or,

(2) Any alternative article or material to that described in subsection 2 paragraph a, that is:

(a) Resulting from synthetic methods and containing 7-hydroxymitragynine present in amounts greater than 0.050 percentage weight/weight, weight/volume, or volume/volume or greater than 1.00 milligram of 7-hydroxymitragynine in the article, or;

(b) Material derived from Mitragyna speciosa and further processed to manufacture alternative dosage forms such as extracts, concentrates, processed edibles, or pressed pills, and which may have materials that have been exposed to chemical, thermal, or other methods leading to chemical transformations that result in 7-hydroxymitragynine present in amounts greater than 0.050 percentage weight/weight, weight/volume, or volume/volume or greater than 1.00 milligram of 7-hydroxymitragynine in the article.

- b. Methyl (*E*)-2-((1'S,6'S,7'S)-6'-ethyl-4-methoxy-3-oxo-3',5',6',7',8',8a'-hexahydro-2'*H*-spiro[indoline-2,1'-indolizine]-7'-yl)-3-methoxyacrylate (also known as mitragynine pseudoindoxyl).
- c. Methyl (*E*)-2-((2*S*,3*S*,7*aS*,12*aR*,12*bS*)-3-ethyl-7*a*-hydroxy-8-methoxy-1,2,3,4,6,7,7*a*,12,12*a*,12*b*-decahydroindolo[2,3-*a*]quinolizin-2-yl)-3-methoxyacrylate (also known as MGM-15; also known as dihydro-7-hydroxymitragynine).
- d. Methyl (*E*)-2-((2*S*,3*S*,7*aS*,12*aR*,12*bS*)-3-ethyl-9-fluoro-7*a*-hydroxy-8-methoxy-1,2,3,4,6,7,7*a*,12,12*a*,12*b*-decahydroindolo[2,3-*a*]quinolizin-2-yl)-3-methoxyacrylate (also known as MGM-16; also known as fluoro-dihydro-7-hydroxymitragynine; also known as 9-fluoro derivate of dihydro-7-hydroxymitragynine; also known as the 10-fluoro derivate of dihydro-7-hydroxymitragynine).
- e. Methyl (*E*)-2-[(2*S*,3*S*,7*aS*,12*bS*)-7*a*-acetyloxy-3-ethyl-8-methoxy-2,3,4,6,7,12*b*-hexahydro-1*H*-indolo[2,3-*a*]quinolizin-2-yl]-3-methoxyprop-2-enoate (also known as 7-acetoxymitragynine).

History: Effective February 26, 2010; amended effective December 3, 2012; October 1, 2019; August 5, 2026.

General Authority: NDCC 19-03.1-02, 19-03.1-05

Law Implemented: NDCC 19-03.1-02